

REMARKS

Reconsideration and withdrawal of the rejections of the present application are respectfully requested in view of the amendments to the claims and remarks presented herewith, which place the application into condition for allowance.

Status of the Claims and Formal Matters

Claims 1, 6-7, 10-13, and 15-21 are currently pending in this application. Claims 1, 6-7, 10, 13, 16-21 have been amended, without prejudice. No new matter has been introduced by these amendments. Support for the amended recitations can be found throughout the specification.

The amendments as presented herein are not made for the purposes of patentability within the meaning of §§ 101, 102, 103, or 112. Rather, the amendments are made for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 7 and 10 were commented on for containing the term “preferably”. In addition, claims 16-20 were commented on for citing to canceled or otherwise improper claims. Claim 17 was commented on for an improper reference. The amendments to the claims have addressed these comments.

Consequently, reconsideration of these present claims is respectfully requested.

Rejections under 35 U.S.C. §102(b)

Claim 21 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Laux (WO 01/62489) and Laux (US 2003/0113492) as the English translation of WO 01/62489. This rejection is respectfully traversed in view of the amendments to the claims provided herewith. Claim 21 was amended, combining elements from previously provided claim 6, to emphasize that the claimed invention consists of a non-adhesive coating that is sealable in contrast to a laminate found in prior art cited by the Examiner.

Examiner’s Laux reference provides a laminate coating: “A packing in the form of **packaging laminate** for packing transdermal therapeutic systems, at least comprising a sealable layer and a barrier layer, wherein the sealable layer is provided **with a continuous adhesive layer**.” Laux, ‘492, claim 1 (emphasis provided).

Laux explains that: “The result of the stated measures is that the sealable layer is furnished with an adhesive (or anti adhesive) surface. In order that the abhesively coated layer remains sealable, the thickness of the silicone layer must be as low as possible.” ‘492 [0012]. The production of the abhesively coated layer is explained as “Following drying where appropriate, silicone or silicone-containing solution is applied to the prefabricated sealing layer by means of spray methods or using a different application method, so forming an adhesive layer film or layer on said sealing layer.” ‘492 [0021].

Contrary to Laux, the claimed invention suggests to renounce a laminate containing a adhesive layer coating a sealable layer and instead comprises a single sealable, adhesive coating. This suggestion is new and not provided in the art of Laux because a single layer is used instead of a laminate.

Reconsideration and withdrawal of the anticipation rejection under § 102(a) is hereby respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 1, 6-7, and 10-11 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Laux (WO 01/62489) and Laux (US 2003/0113492, cited only as the English translation of WO 01/62489) in view of Ebbrecht et al. (U.S. Patent No. 5,494,979). This rejection is respectfully traversed in light of the following. As noted above, the claimed invention suggests to renounce a laminate described in Laux, instead combining a sealable material and adhesive material and admixing them in a single layer.

The Examiner cites to ‘492 [0023] for “wherein the sealable material is a polyethylene,” which appears more properly referenced to ‘492 [0032]. Combining this reference, fluoroethylene in ‘492 [0023], or a “non adhesive coating based on a silicone” in ‘492 [0023] with Ebbrecht [US 5494979] merely broadens the list of adhesive materials to include PDMS (polyethylene siloxane) at ‘979, col. 15, lines 26-27 but does not lead to the inventive concept to provide a single layer consisting of an admixture of a sealable material and an adhesive material rather than the laminate that appears in Laux.

Claims 12-13 and 15-16 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Kanios (US 2001/0048987) in view of Laux (WO 01/62489) and Laux (US 2003/0113492, cited only as the English translation of WO 01/62489) and Ebbrecht (US

5494979). This rejection is respectfully traversed in light of the following. Kanios shows a pouch (9) containing a transdermal system (1), wherein the inner surface, i.e., the primary layer (11) is a thermoplastic layer ('987 [0034]) such as a rubber modified acrylonitrile methyl acrylate copolymer ('987 [0046]). According to US '987 [0046], "the laminate in the form of pouch may be sealed at the edges for example by heat." In addition, US '987 [0036] provides: "Sealing can be accomplished by heat, ultrasound, laser, or adhesive or the like. The preferred packaging material is self sealing (i.e., able to form a stable bond between the two facing surfaces of the same material without the use of an adhesive)."

The inner layer or primary layer, therefore, is not an simultaneously sealable, non-abhesive material, i.e., it requires a mechanical means to seal or contains an adhesive but does not contain an admixture of a sealable and non adhesive agent in a single layer. The Examiner acknowledges this in its Office Action mailed February 3, 2006, at page 5, paragraph 8: "Kanios fails to disclose a sealable non adhesive coating having a non adhesive agent." The laminate structures disclosed in Laux or Kanios, moreover, fail to motivate one of ordinary skill in the art at the time of applicant's invention to admix a sealable and abhesive material in a single layer. Consequently, the folded pouch in Kanios ('987[0034-36]), also would not contain, or suggest to combine with the other cited references, a single layer containing an admixture of a sealable material and abhesive material.

Claims 17-20 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Laux (WO 01/62489) and Laux (US 2003/0113492, cited only as the English translation of WO 01/62489) in view of Ebbrech et al (U.S. Patent No. 5,494,979) and Sprehe et al (U.S. Patent No. 6,361,212). The Office Action alleges that Sprehe "discloses the use of marks (which broadly encompasses colored marks) for the purpose of providing marks or other machine readable indicia thereon the [sic] an electric eye or the like to read the marks and achieve proper registration and alignment of the two portions of a bag." Examiner paragraph 9, citing '212, Figure 5, #3, column 3, lines 13-25.

Laux, Ebbrech, and Sprehe, considered alone or in combination, do not render the instant invention obvious, because, as noted above, a combination of Laux and Ebbrech fail to suggest combining a sealable material and an abhesive material by admixing them and providing the admixture as a single layer. As such, we respectfully submit that the alleged suggestion to add the marks described in Sprehe does not add to the Examiner's obviousness rejection, because the

claimed invention renounces the laminates in these cited references. Applicants hereby contend that there is no motivation to combine the cited references to obtain the presently claimed invention.

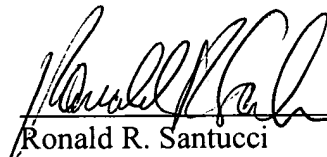
Consequently, reconsideration and withdrawal of the rejections under § 103(a) are respectfully requested.

CONCLUSION

In view of the foregoing, favorable consideration of the claims is earnestly solicited. If however, there is still an outstanding issue; the Examiner is invited to contact the undersigned for its prompt attention.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Ronald R. Santucci
Reg. No. 28,988
(212) 588-0800